

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1434**

**Introduced by Assembly Member Shirley Horton**

February 22, 2005

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An act to amend ~~Section 1725~~ *Sections 1725 and 1726* of the Health and Safety Code, relating to home health agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1434, as amended, Shirley Horton. Home health agencies: licensing enforcement.

Existing law requires private or public organizations, including, but not limited to, any partnership, corporation, political subdivision of the state, or other governmental agency within the state, to obtain a home health agency license before providing or arranging for the provision of skilled nursing services in the home. Existing law provides for licensing of home health agencies by the State Department of Health Services. Existing law gives the department full range of authority over accredited home health agencies to ensure the licensure and accreditation requirements are met, including the entire scope of enforcement sanctions and options available for unaccredited home health agencies. Existing law makes a violation of these licensing provisions a crime.

This bill would ~~state the Legislature's intent that~~ *require* the department *to adopt regulations to* provide appropriate enforcement authority to ensure that unlicensed entities are not providing skilled nursing services in the home, except as specified *and would make technical and conforming changes. The bill would preclude unlicensed entities from using "home health" or similar words in their name or advertising or making related statements. By expanding the*

*definition of a crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1725 of the Health and Safety Code is  
2 amended to read:

3 1725. ~~It is the~~ (a) *The purpose of this chapter to license is to*  
4 *require licensure of home health agencies in order to protect the*  
5 *health and safety of the people of California. By passing a*  
6 ~~licensing act it is the intent of the Legislature to require all~~  
7 *California.*

8 (b) *All organizations that provide skilled nursing services to*  
9 *patients in the home to shall obtain a home health agency license.*  
10 ~~It is the further intent that the State Department of Health~~  
11 ~~Services agency license issued by the department.~~

12 (c) *The department shall establish high standards of quality for*  
13 *home health agencies and through the adoption of regulations*  
14 *implementing its licensing and certification policies and*  
15 *procedures shall provide appropriate enforcement authority to*  
16 *ensure that unlicensed entities are not providing skilled nursing*  
17 *services in the home, with the exceptions except as set forth in*  
18 *Section 1726.*

19 SEC. 2. Section 1726 of the Health and Safety Code is  
20 amended to read:

21 1726. (a) No private or public organization, including, but  
22 not limited to, any partnership, corporation, political subdivision  
23 of the state, or other governmental agency within the state, shall  
24 provide, or arrange for the provision of, skilled nursing services  
25 in the home in this state without first obtaining a home health  
26 agency license.

27 ~~In establishing a~~

(b) No private or public organization, including, but not limited to, any partnership, corporation, or political subdivision of the state, or other governmental agency within the state, shall do any of the following unless it is licensed under this chapter:

(1) Represent itself to be a home health agency by its name or advertisement, soliciting, or any other presentments to the public, or in the context of services within the scope of this chapter imply that it is licensed to provide those services or to make any reference to employee bonding in relation to those services.

(2) Use the words “home health agency,” “home health,” “home-health,” “homehealth,” or “in-home health,” or any combination of those terms within its name.

(c) In implementing the system of licensing for home health agencies, ~~it is the purpose of the Legislature to the department shall distinguish between the functions of a home health agency and the functions of an employment agency or a licensed nurses’ registry pursuant to Title 2.91 (commencing with Section 1812.500) of Part 4 of Division 3 of the Civil Code. It is not the intention of the Legislature to require that an~~ An employment agency or a licensed nurses’ registry performing its functions as specified in Title 2.91 (commencing with Section 1812.500) of Part 4 of Division 3 of the Civil Code *is not required to secure a home health agency license under subdivision (a), unless it is performing the functions of a home health agency, as defined in this chapter.*

~~It is not the intent of the Legislature to require a chapter.~~ However, subdivision (b) shall apply to an employment agency or a licensed nurses’ registry that is not licensed under this chapter.

(c) A hospice is not required to secure a home health agency license under subdivision (a). However, subdivision (b) shall apply to a hospice that is not licensed under this chapter.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a

- 1 *crime within the meaning of Section 6 of Article XIII B of the*
- 2 *California Constitution.*

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